

Notice of Allowability

Application No.

10/809,655

Applicant(s)

HAO ET AL.

Examiner

Art Unit

Agnes B. Rooke

1653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/19/2006.
2. ☒ The allowed claim(s) is/are 10,11,15-18 and 30-32.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 05/08/2006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Notice of Allowance

An **Examiner's Amendment** to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. R. Sparks on 05/08/2006.

Examiner's Amendments to the Claims:

1. In claim 10, line 2, insert a **period** after SEQ ID NO:9, and delete ---or a bioactive amino acid sequence that differs from SEQ ID NO:9 by one or more conservative amino acid substitutions---
2. In claim 11, delete the phrase ---an amino acid--- and insert the phrase ----**the** amino acid---
3. In claim 15, after the word "screening" delete ---for potential human therapeutic agents--- and *insert* ---composition that binds SAMP32---
4. Cancel claim 17.
5. In claim 18, delete --a bioactive--- and insert ---the---
6. In claim 30, delete the phrase ---an amino acid--- and insert the phrase ----**the** amino acid---

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7. In claim 32, insert a **period** after SEQ ID NO:9, and delete ---or a bioactive amino acid sequence that differs from SEQ ID NO:9 by one or more conservative amino acid substitutions---

Allowable Subject Matter

Claims 10, 11, 15-18, and 30-32 are allowed.

The following is an **Examiner's Statement of Reasons for Allowance**: The prior art does not teach or suggest SEQ ID NO:9 as presented in the instant invention. Further, in the specification, Applicants demonstrated that SAMP32 was expressed specifically in the sperm/testicular tissue and no other tissues, and thus the SAMP32 could be a specific marker for this tissue, where this presented evidence satisfies the utility requirement. Also, a post-filing publication by Hao et al., "SAMP32, a Testis-Specific, Isoantigenic Sperm Acrosomal Membrane-Associated Protein," *Biology of Reproduction*, 66, 735-744 (2002), shows that SAMP32 has utility. Therefore, the claims are allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

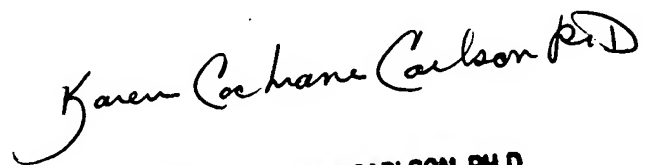
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Agnes Rooke whose telephone number is 571-272-0946. The examiner can normally be reached on 6:00 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Jon Weber can be reached on 571-272-0925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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KAREN COCHRANE CARLSON, PH.D
PRIMARY EXAMINER